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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,342	09/28/2001	Alex Horng	HORN3060/EM-7245	2292

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06.04.2003

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EXAMINER

MOHANDESI, IRAJ A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,342

Applicant(s)

HORNG ET AL.

Examiner

Iraj A Mohandesi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1,2,7-12,14,16,17,21** are rejected under 35 U.S.C. 102(b) as being anticipated by **Henricks US patent 5,075,605**.

Henricks'605 discloses a DC brushless motor (see abstract) comprising; a base (23, column 3, line 42 Fig.3) comprising a through-hole having a first end and a second end having a first axle hole (see Fig.1,2 where the shaft 15 goes through), a lid (21, the end plate ,column 3,line 31 Fig. 5) being engaged with the first end of the through-hole and having a second axle hole, the base having a wall (see Fig.3,5), at least two sets of windings (20, stator coils ,column 3,line 40) being mounted to the wall of the base, an IC control means being mounted on the base (11,19, column 3,line 23),and inherently connected to said at least two sets of windings (rotor is permanent magnet coils are stator , any control to electromagnetic field must be connected to the stator coil) rotor (28, column 1,line 2) comprising a shaft (15) and a permanent magnet having inherently a north pole and a south pole, the shaft being rotatably received in the second axle hole of the lid and the first axle hole of the base (See Fig.3,4,5,) a repulsive magnetic force is directly created between the permanent magnet and

said at least two sets of windings, thereby driving the rotor to turn, a bearing (27 column 3,line 32) ,a rib an outer surface (24),a casing (23)mounted around the outer face of the wall of the base,the lid is engaged with an end of the casing (see Fig.5),a driving circuit and a Hall element(26, column3,line 36 , the groove 24 holding a Hall transistor) the shaft of the rotor has an end extending beyond the lid (see Fig. 5),an eccentric element coupled to the end of the shaft beyond the lid (29 CPB),a support member has an actuate recess for supporting said shaft (33).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-6,13,18-20,22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Henricks'605** in view of **Horng US patent 6,565,326**.

Henricks'605 discloses a DC brushless motor (see abstract) comprising; a base (23, column3, line 42 Fig.3) comprising a through-hole having a first end and a second end having a first axle hole (see Fig.1,2 where the shaft 15 goes through), a lid (21, the end plate ,column 3,line 31 Fig. 5) being engaged with the first end of the through-hole and having a second axle hole, the base having a wall (see Fig.3,5), at least two sets of windings (20, stator coils ,column 3,line 40) being mounted to the wall of the base, an IC control means being mounted on the base (11,19, column 3,line 23),and inherently connected to said at least two sets of windings (rotor is permanent magnet

coils are in stator, any control to electromagnetic field must be connected to the stator coil) rotor (28, column 1, line 2) comprising a shaft (15) and a permanent magnet having inherently a north pole and a south pole, the shaft being rotatably received in the second axle hole of the lid and the first axle hole of the base (See Fig. 3.4, 5,) a repulsive magnetic force is directly created between the permanent magnet and said at least two sets of windings, thereby driving the rotor to turn, a bearing (27 column 3, line 32) , a rib on outer surface (24), a casing (23) mounted around the outer face of the wall of the base, the lid is engaged with an end of the casing (see Fig. 5), a driving circuit and a Hall element (26, column 3, line 36 , the groove 24 holding a Hall transistor) the shaft of the rotor has an end extending beyond the lid (see Fig. 5), an eccentric element coupled to the end of the shaft beyond the lid (29 CPB), a support member has an actuate recess for supporting said shaft (33).

However **Henricks'605** teaches all limitation of the claimed invention except a fan with plural blades and a mounting member for mounting two windings being countersink having a protection,

Hornig'326 discloses a fan motor (brush less) comprising a fan with plural blades (22 , Fig. 1) plural countersinks 18 corresponding to the number of the windings 14. each countersink 18 has a mounting member 13 such as an outwardly projecting peg around which an associated winding 14 is mounted and thus positioned, and a mounting member for mounting two windings being countersink having a protection (see column 3, line 20-25) for the purpose of holding the coils and generating wind.

Therefore it would have been obvious to one having ordinary skill in the art at the time t

invention was made to combine **Henricks'605** motor with a fan with plural blades and a mounting member for mounting two windings being countersink having a protection for the purpose of holding the coils and generating wind.

Allowable Subject Matter

5. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A handwritten signature in black ink, appearing to be "J. M. S.", located in the lower right quadrant of the page.